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“Red” Unions and “Bourgeois” Contracts?¹

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What are the effects of the political consciousness of union leaders—and thus of the struggles they lead—in shaping the “political regime of production,” that is, the political relations through which the capital/labor relation in the sphere of production is defined, regulated, and enforced? In the prevailing functionalist theory, whether in its “pluralist” or “Marxist” variant, the effects are nil: union leaders cannot transcend the labor union’s inherent system-stabilizing functions (to routinize conflict, contain discontent, and “incorporate” the working class). In this article, an analysis of a sample of contracts won by U.S. industrial unions, 1937–55, shows that union leadership—left, right, and center—has substantial independent effects in determining the production regime. Specifically, the contracts won by Communist-led unions were far more likely, throughout the era, to be “pro-labor” (i.e., to undermine the sway of capital within production) than those won by their rivals.

Class relations in the sphere of production (or the “enterprise”) under contemporary capitalism tend to be explicitly political and governed by

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a regime based on union-company agreements. In some countries, these agreements, specifying rights and obligations in production, take on the force of law, administered by specific quasi-representative/juridical institutions and reinforced by the coercive power of the state.² What, then, are the implications of the “institutionalization of class conflict” (Dahrendorf 1959, pp. 64–67) for the reproduction of class domination under contemporary capitalism—and especially for the potential political self-determination of organized labor?

At issue here, in particular, are the effects of the union in determining *the political reconstruction of the immediate production process*—and, thereby, of the “economic” relation between capital and labor. This is an inquiry, in other words, into “the *limits*” that organized labor can impose on capital’s “*power*, . . . and the *character of those limits*” within the sphere of production (Marx 1973, 2:33; italics in original). What, specifically, is the import of the union’s political leadership—and thus of its objectives, strategy, and tactics, and the struggles it leads—in limiting capital’s power? Put differently, what are the independent effects of union leadership in shaping the “political regime of production,” that is, the ensemble of political relations through which the immediate capital/labor relation is defined, regulated, and enforced?³ Can union leaders—especially radicals and socialists— influence the construction of the production regime in accord with their own political consciousness or their specific conceptions of working-class interests and the appropriate strategy to protect and advance them?

These questions guide our analysis, which aims, in short, “to assess the independent effects of political practices on the organized (or political)

² In Western Europe, collective bargaining often coexists with other political forms of mediation (e.g., codetermination). In the United States, the National Labor Relations (or Wagner) Act (NLRA) of 1935 “was passed only after the unparalleled organizing drives and mass strikes of the mid-1930s”—and upheld by the Supreme Court in 1937, following the great sit-downs in late 1936 (M. Zeitlin 1985; Goldfield 1989). The act gave employees the legal right (later restricted by the Taft-Hartley Act and other legislation) “to self-organization . . . [and] to bargain collectively through representatives of their own choosing,” and required employers to bargain in “good faith.” The National Labor Relations Board (NLRB) was given broad powers to oversee the law’s operation and to adjudicate labor-management disputes. In 1947, Taft-Hartley made union-management agreements into contracts enforceable in federal courts and allowed either party to sue for breach of contract (Roberts 1971). On the relative unionization of various segments of the American working class, see Zeitlin (1989, chap. 7).

³ The term “political regime of production” appears in Burawoy (1985, pp. 19, 68); we have given it somewhat different conceptual content here (see Brighton 1977, pp. 4, 14, 16) and below in our delineation of its “contradictory tendencies.” (For kindred formulations in other theoretical terms, see Dubin [1958, p. 153], Flanders [1968, p. 8], Marshall [1965], Selznick [1969, p. 154], Slichter [1941, p. 1].)

relations between classes” (Stepan-Norris and Zeitlin 1989, p. 505). This covers such substantive questions as the effects of the political practices of contending classes and class segments on the development of capitalism; the emergence of the democratic or authoritarian state; the labor process; and class formation (see, e.g., Moore 1968; Stephens 1979, 1989; Aminzade 1981; Zeitlin 1984; Skocpol 1980; Stark 1980; Stephens and Stephens 1982; Esping-Andersen 1985; Griffin, Wallace, and Rubin 1986).

Our analysis thus addresses the general theoretical problem of the “relative autonomy of politics.” This refers “not merely to the possible autonomy (or originative potential) of the ‘state,’ but rather, comprehensively, to the possible *independent effects of political phenomena in the shaping and transformation of basic social relations*. Of course, this is within the objective limits imposed and the objective alternatives made possible by the existing circumstances” (Stepan-Norris and Zeitlin 1989, p. 503; italics in original).⁴

We assess the effects of organized working-class political leadership in determining the political terms of the immediate capital/labor relation through a multivariate analysis of the collective bargaining agreements won by unions aligned with the left, right, and center of the Congress of Industrial Organizations (CIO).⁵

During the “Red decade” of the 1930s and beyond, through the early postwar years, Communists and their allies led “a powerful and pervasive radical movement in American life” (Starobin 1972, p. x). In particular, they established a broad base in the CIO. Thousands of Communists—whose “devotion, heroism, and selflessness . . . during these years can hardly be overestimated” (Howe and Coser 1957, p. 375)—participated in the concrete struggles and organizing drives of the late 1930s; and their “insurgent political practices” won them positions of power and trust in many CIO unions (Stepan-Norris and Zeitlin 1989). For most of the CIO’s independent existence—until the early Cold War years, 1949–50, when 11 “Communist-dominated” unions were expelled and alleged Communists were purged from the leadership of many others—“the Communists were the best-organized political group within

⁴ Our earlier article (Stepan-Norris and Zeitlin 1989) and this one should be read in tandem, because much of what we say there is relevant here—especially in the common theme, that “men and women make their own history, although not just as they please nor under circumstances they choose” (p. 503).

⁵ The CIO was born in 1935 as the “Committee on Industrial Organization” of the American Federation of Labor (AFL); in the fall of 1936, the AFL suspended 10 unions affiliated with the CIO for advocating “dual unionism” and “fomenting insurrection,” and they immediately started making their per capita payments to the now independent CIO. The latter and the AFL merged again in 1955.

the CIO" (Howe and Coser 1957, p. 375). They were influential at the local or national level in most of the CIO's 38 durable international unions; and 18 unions, representing at least 2 million workers and enrolling over 30% of the CIO's members, were probably in the so-called Communist political camp (for details, see Stepan-Norris and Zeitlin [1989, p. 506, n. 5]).

What effects did the Communists and their radical allies have on the consciousness and action of the organized working class during their sojourn at the helm of many of America's industrial unions? In particular, did their union leadership of "the class struggle within production" (Magdaline 1975, p. 60) tend to sustain or subvert the immediate subservience of labor to capital? This is our central substantive question—and it is also intrinsically a pivotal and controversial historical question that still arouses passions today, four decades after the defeat of the Communists and their allies in organized labor (see, e.g., Draper 1985a, 1985b, 1985c, 1985d; and Zeitlin and Kimeldorf 1984).

THE FUNCTIONALIST LABOR-RELATIONS PARADIGM

Within the prevailing paradigm, the answers to the questions posed here are not in doubt. Both pluralist and self-described Marxist analysts of labor relations, despite "sharply opposed valuations" of the outcome (J. Zeitlin 1985, p. 6), argue that the labor union, by routinizing conflict and containing discontent and thus reducing labor-market uncertainty and regulating labor costs, "incorporates" the working class and tends to stabilize the capitalist system. As Hugh Clegg, a leading British pluralist, remarks, "The pluralist can accept every word of . . . the Marxist theory of economism, or incorporation, or institutionalization. . . . The terminology may differ. . . . But translation is easy" (1979, p. 455).

Translation is easy because both sets of analysts, whether phrasing their arguments in the language of social harmony or of radical critique, share the same paradigmatic presupposition, namely, that the systemic needs of "modern industrial society" or of "corporate capitalism" generate the means of their own satisfaction. They assume, in particular, that the "institutionalization of class conflict" (cf. Aronowitz 1973, p. 218) necessarily contributes to the maintenance of the capitalist system.

Once "industrial unionism establish[es] itself in the corporate sector," as Michael Burawoy says, it is "*shaped in accordance with the needs of capital*," and thus tends merely to consolidate "factory regimes which *reproduce the capital-labor relationship more efficiently*" (1981, p. 104; 1983, p. 587, n. 11; italics added). Unions cannot "*challenge*" capitalism, Perry Anderson avers, but can "*merely express*" it, for they are confined within "*insurmountable*" limits that are "*inherent in the[ir] nature*"

(1967, p. 264; italics in original). In sum, as Stanley Aronowitz puts it (1973, pp. 256, 217), "unionism can be [no] other than a force for integrating workers" into the "corporate capitalist system" (cf. Lösche 1975).

This argument is also made in pluralist terms. Collective bargaining is a bulwark of "democratic capitalism," says Frederick Harbison, because it "provides a drainage channel for the specific dissatisfactions and frustrations which workers experience on the job" (1954, p. 274). Similarly, Daniel Bell tells us that "in the evolution of the labor contract, the union becomes part of the 'control system of management'" and performs "a vital function" as "a buffer between management and rank-and-file resentments" (1961, pp. 214–15; see Drucker 1950, pp. 134–35; Dubin 1954).

Collective bargaining, it is assumed, must result in merely marginal changes in the employment relation because in principle both union and employer must concede a legitimate sphere of interests to the other side. Demands that threaten either side's basic interests are thus unavoidably excluded. Further, this form of "mutual dependency" of union and employer produces a "common interest in the survival of the whole of which they are a part" (Fox 1966, p. 4). So, even union leaders who sympathize with "socialist objectives [are] forced to agree," as S. Martin Lipset puts it, "that a long-term contract and continued stimulation of antagonistic attitudes toward large-scale capitalism [are] incompatible" (1960, p. 361). Indeed, as unions "evolve" or "age," they tend to slough off "superfluous political ideologies" (Lipset 1960, p. 392) and don the "mature" integument of "business unionism" (see also Kornhauser, Dubin, and Ross 1954, pp. 507–10; and Lester 1958, esp. pp. 21–34, 120, 142).

"The *contractual logic itself*," historian David Brody argues (1980, p. 201; italics added), makes it "into a pervasive method of containing shop-floor activism." By displacing "class struggle" from the "shop floor" and reconstituting it in "a framework of negotiation," in Burawoy's formulation, collective bargaining results in "*an institutionalized creation of a common interest* between the representatives of capital and labor." It is "a form of class struggle [that] revolves around marginal changes which have no effect on the essential nature of the capital-labor relationship" (Burawoy 1979, pp. 114–15; italics in original). Thus, "the modern labor agreement is the principal instrument of class collaboration between the trade unions and corporations" (Aronowitz 1973, p. 218) and must, therefore, normally serve "to strengthen, rather than weaken, capitalist relations of production" (Clarke 1978, p. 18).

Anything that retrospectively appears compatible with the development of capitalism is thus explained as a fulfillment of its reproductive needs. This compels even its radical or Marxian adherents to ignore the

effects of real class struggles, since they are already known, in shaping the realm of labor's immediate subservience to capital.

So, unions are seen as a mere "passive reflection" of the organization of production, necessarily taking on "the *natural* hue of the closed, capital-dominated environment of the factory itself. . . . No matter whether the trade union movement in question adopts a 'revolutionary' or 'reformist' stance, it tends to encounter the same *structural limits* to its action" (Anderson 1967, pp. 264–65; italics in original). "It is not possible [for radical unionists] to transcend the institutional constraints of trade unionism itself" (Aronowitz 1973, pp. 21, 219). Rather, as Michael Mann puts it, since "the framework of a capitalist market is implicitly accepted by the very activity of compromise economic bargaining . . . the practical relations with management entered into by Communist unions may be indistinguishable from those of reformist unions" (1973, p. 22, also p. 37).

Given the premise of predetermined structural "limits" and institutional "constraints" necessarily corresponding to the system's imperatives, it follows that "no matter whether" organized labor makes any self-conscious efforts to probe or test them, the result, a null effect, is also preordained. This sort of theory excludes the possibility that unions, given the political commitment, might be able to bend or stretch, if not break through, the limits or constraints it posits. It must deny that the union's political objectives, strategy, and actual practices really matter in *shaping* the plant's "capital-dominated environment."

But these, of course, are precisely the critical substantive issues. For, even if unions can "never become fully anti-capitalist organizations" (Hyman 1985, p. 123), the possibility remains that under the appropriate political leadership—especially one committed to "socialist objectives"—they can inscribe "anticapitalist" tendencies into the political regime of production in their domain.⁶ How far such encroachments on capital can go, "beyond which the mechanisms of private capital accumulation are threatened, and disinvestment occurs, unleashing another kind of class struggle, of an extra-production character" (Anderson 1990), can be discovered only in practice, by probing and testing the theoretical limits.

Thus, it is our premise here that, in Antonio Gramsci's words, "a trade union is not a predetermined phenomenon. It *becomes* a determinate institution, i.e., it takes on a definite historical form, to the extent that the strength and will of the workers who are its members impress a policy

⁶ Stephens and Stephens (1982), who locate themselves within "social democratic Marxism," similarly argue that the "ideology and action of working-class leaders" affect both the enactment and implementation of *legislation* on "workers' control."

and propose an aim that define it" (quoted in Hyman 1985, p. 118; italics in original). We argue here, then, that the "definite historical form" of the political regime of production is determined politically. Rather than a protean expression of systemic functions, the generic production regime is an artifact—within specific historical circumstances and (unknown) objective limits—of both class *and* intraclass struggles. Thus, variations in the production regimes in which different unions are implicated are determined in part by the distinctive political consciousness, or ideology ("reformist" or "revolutionary"), that guides and is embodied in the political strategy and actual practices of their leaders.

HISTORIOGRAPHY

But before turning to our empirical analysis of whether the union can impress a policy on collective bargaining, we should review what the historical and related specialized literature on U.S. labor has to say on the question. For although the theoretical and historical questions are inseparable, the writings addressing them often seem to exist on different planes of discourse.⁷ Historians and other labor specialists in several disciplines, as well as journalists, have made claims about the effects of Communist union leadership in the CIO; but until recently studies of the actual achievements of a Communist-led CIO union during the era have been rare, and only a few have dealt in any detail with their collective bargaining gains (see, e.g., Dix 1967; Filipelli 1970; Gilpin 1988; Huntley 1977; Jensen 1954; Keeran 1980; Kimeldorf 1988; McColloch 1988; O'Brien 1968; Ozanne 1954, 1967; Prickett 1975; Schatz 1983).

The prevailing historical claim, in labor economist Jack Barbash's words, is that the "contracts negotiated by an established, Communist-dominated union are indistinguishable from any other contract negotiated by any other union" (1956, p. 350). Here, for instance, are a couple of representative statements by distinguished historians: "It is remarkable," writes David Brody, "how little difference [radicals] made on the direction of the . . . unions they controlled" (1980, p. 132). "All indications," Harvey Levenstein suggests, "point to the fact that the politics of neither group [Communists and anti-Communists] played any major role at the bargaining table" (1981, p. 334).⁸

⁷ Prickett's work on the CIO (1975, p. 443) is a rare exception. He specifically rejects the "contention that the institutional demands of the trade union make the politics of its leadership irrelevant."

⁸ Similar explicit or implicit claims that the politics of union leaders did not affect their union contracts, or that the Communist-led unions did not differ from other CIO unions in their actual trade union practice, appear in Aronowitz (1973, pp. 25, 342, 350); Bernstein (1971, p. 782); Caute (1978, p. 353); Cochran (1977, pp. 355, 379);

Some writers, however, implicitly reject the idea that the politics of union leaders are irrelevant to their union's achievements. On one side, this is stressed by those who charge that the Communist-led unions were subservient to an alien power and thus pursued policies that, as CIO officials charged, were subversive of sound trade union objectives. "The turns of U.S. Stalinists from leftward to rightward, and back again, have been determined," says C. Wright Mills (1948, p. 199), "not by their judgment of the changing needs of the working people, or by pressures from these people, but by the changing needs of the ruling group in Russia." "Communists in the labor movement," Walter Galenson asserts (1974, pp. 236, 242), "were committing a fraud. . . . The evidence [historians] have already gathered is overwhelming. . . . There is simply no doubt that in general the unions that remained in the CIO were far more responsive to the views of their members than the expelled [Communist-dominated] unions, and never sacrificed their economic interests at the behest of an alien power."⁹

On the other side are barely a handful of historians who claim that the Communist-led unions were, in the words of Richard Boyer and Herbert M. Morais (1955, p. 361), "the pace-setters for the whole trade union movement by reason of wage scales and conditions won . . . and sound trade union practices. . . . [They] insisted on membership control in drawing up contracts, in declaring contracts, or in settling them."¹⁰

A similar assessment, although with a sharply opposed valuation, was made in 1946 in a special report by the Research Institute of America (RIA) on how to "deal with . . . Communist-controlled unions." The report warned that "bargaining with a CP [Communist Party] union is a more tight-fisted affair than with any other union." It advised employers "dealing with a Communist-controlled union, or with a union in which Communists may win control, [to] give particular attention to clauses" dealing with the "management prerogative," "no-strike commitments,"

Draper (1985b, p. 45); Kampelman (1957, p. 254); Karsh and Garman (1961, p. 113); Lichtenstein (1980, p. 128); Oshinsky (1974, p. 125); Ozanne (1954, p. 215); Saposs (1959, pp. 184–85).

⁹ Similar claims that Communist-dominated unions generally betrayed their members appear in Boulding (1953, p. 103); Gates (1944); Goldberg (1964, p. 7); Lens (1949, pp. 228, 244–45); Stolberg (1939, p. 5). Barbash (1956, p. 324) charges that "Communist penetration of unions . . . along with racketeering [is] a form of union pathology." He thus puts himself, on different pages of the same book, on both sides of the issue of the effect of ideology on collective bargaining.

¹⁰ Also see Emens (1972, pp. 366–67); Prickett (1975, p. 419). Even some of the Communists' most strident opponents, such as Monsignor Charles Owen Rice, a prominent leader of the Association of Catholic Trade Unionists, admitted that they led "some of the best unions in the United States" (cited in Prickett 1975, p. 329).

and the “grievance procedure.” It was “especially important (though more difficult) to strengthen the management prerogative clauses,” the report said.¹¹ It advised management to “insist on no-strike clauses” and to “keep committeemen to a minimum” and “limit [the] working time stewards may spend on grievances” (RIA 1946, pp. 14, 16).¹²

THE POLITICAL REGIME OF PRODUCTION

If the “whip of hunger,” in Max Weber’s metaphor (1961, p. 209), compels “free” workers to produce *something* for capital, it does *not* (pace Weber 1968, p. 1010) “guarantee” their “effort.” That is, it does not guarantee how *much* they will produce. For this, the employment contract is indispensable. It is “an agreement,” as Charles Halaby points out (1986, p. 635), “whereby the employer pays the worker a wage and the worker yields to the employer a bundle of authority rights with respect to his productive activities. . . . The employer’s subordination of the worker is what distinguishes the true employment contract from a mere sales contract” (see also Klare 1977–78, p. 297; Korpi and Shalev 1980, p. 306). It gives the employer the legal right, having bought the workers’ capacity to produce, to decide what they produce and how they produce it; and it thereby clothes with the color of law the “exploitative class relation [that is] part of the very mechanism of the productive process itself” under capitalism (Giddens 1982, p. 169). The employment contract thus codifies the crucial political terms of this “exploitative class relation.”

In the CIO’s heyday, many union activists made “little distinction,” observed a management expert who interviewed them (Chamberlain 1948), “between the *political philosophy* underlying the *state* and *industry*. In both spheres they see the necessity of controlling authority in the interests of those who take the orders . . . [in the] firm conviction that *those in control must themselves be controlled*” (pp. 166–67; *italics added*). We shall show how and to what extent this “firm conviction” was actualized in the employment contracts won under the leadership of

¹¹ Similarly, Hill (secretary of Rustless Iron and Steel Corp.) and Hook (vice president of Allis-Chalmers Manufacturing Co.) also warned that “left-wing militant unions consider management rights as obstacles to be overcome in order that the unions may have more freedom of action” (1945, pp. 58–59, 60). Compare Selekman (1949, pp. 179–80).

¹² The chairman of the RIA’s Board of Editors in 1946 was William J. Casey, who was destined to serve as President Reagan’s CIA director. In an article in *Forbes* (1946), Casey repeats almost verbatim the RIA report’s advice about Communist-led unions (1946, pp. 15, 31).

the CIO's rival factions and parties—and thereby inscribed in the political regimes of production in which they were involved.

Inherent in the political regime of production is a set of inseparable contradictory tendencies. On the one side, it embodies the workers' subordination in the enterprise to ensure the performance of their tasks in the division of labor (Giddens 1973, p. 205) and is aimed at extracting maximum profit from the labor expended in production. On the other, it embodies the effects of the workers' resistance to their subordination and their struggles to enhance their own autonomy or "negative freedom" (Hyman 1974, p. 245) and is aimed at minimizing their exploitation.

Three types of provisions are crucial in establishing these opposing pro-capital versus pro-labor tendencies. First are the "prerogatives of management," namely, "the areas in which [management] is independent to take action . . . and the areas in which it has to make a referral of an issue to the union before it can be initiated" (Dubin 1958, p. 151). Does the contract restrict or protect the "right to manage" by denying or guaranteeing "specific functions exclusive to management" (Chamberlain 1948, p. 144)? Second are "the actions that the union [can and] will take under a variety of conditions" (Dubin 1958, p. 151). Does the contract protect or restrict the workers' ability "to operate sanctions upon the conditions under which labor power" is utilized (Giddens 1982, p. 170)? What limits, specifically, are imposed on the workers' right to strike? Third are the "methods for handling disputes under the contract" (Dubin 1958, p. 151). Does the grievance procedure restrict or protect the employer's right to discipline the workers? How does it affect the workers' individual and collective right to oppose their employer's policies and procedures—and their ability to impose contrary practices that, in Sid Lens's words (1947, p. 716), become "in effect, . . . unwritten supplements to a contract"?

The issue of "management prerogatives" (or the so-called right to manage) has long been "at the storm center" of struggles over "the frontier of control" (Goodrich 1920, p. 61), for their definition touches all other provisions of the union-management contract that bear on the question of power (Harris 1982). This is stressed by both managerial spokesmen and radical critics alike. Thus, Mann suggests that "the employer will yield on economic bargaining more readily than he will on the sacred 'managerial prerogative'" (1973, p. 21). Similarly, an American Management Association publication declares that "the *struggle for power* must automatically be *focused* [on] the *management rights clause*" (McMahon 1969, pp. 266–67; *italics added*) because it is essential, as corporation executives Hill and Hook argue (1945, pp. 58–59), for "protecting [management's] freedom and authority."

In principle, radicals and socialists consider management rights neither inherent nor legitimate; on the contrary, these constitute a quasi-legal form of illegitimate class power. As an officer of the Communist-led Farm Equipment Workers (FE) bluntly told an interviewer, “The philosophy of our union was that management had no right to exist. Therefore our policy was to offer no quarter” (Ozanne 1967, p. 214). Offering no quarter to management, and ceding it no prerogatives, extends the principle of self-government to the economy, and thus challenges, in Anthony Giddens’s words (1973, p. 206), “the broader ‘political’ subordination of the working class within the economic order.”¹³

SOURCES AND METHODS

The contracts analyzed here were negotiated by locals of “international” unions affiliated with the CIO from 1937 until the CIO’s merger with the AFL in 1955. (The union is “international” because it also has locals in U.S. territories and Canada.) The contradictory tendencies contained in a given political regime of production are measured by the set of contractual provisions in which the crucial political terms of the employment relation are formally codified over time. Union political leadership is measured by classifying each of the unions into one of the CIO’s three rival “political camps.”

Given our focus on the political effects of political leadership, we do not examine the origins—ideological, programmatic, or strategic—of the CIO’s internal political divisions. A major source of contention, of course, was the historical significance of Stalinism and the Soviet state. Whatever “the courage and admirable personal qualities of individual” Communist unionists, including “even the most saintly” among them, they were linked politically (whether wittingly or not) with Stalin’s regime of terror (Zieger 1984, p. 300). But whether this was the reason why “most labor leaders actively or passively [fought] Communists” is arguable, as even an anti-Communist young radical like Mills (1948) observed at the time. Although some surely fought them out of principled opposition to Stalinism, many simply wanted “to kill off troublesome factions within their unions” or to solve a problem in “public relations” (Mills 1948, pp. 190–91).

¹³ This same idea appears in the warning by Charles E. Wilson of General Motors (GM) right after World War II that labor’s “attempt to press the boundary farther and farther into the area of managerial functions” threatened the “American system” with a social revolution “imported from east of the Rhine” (Brody 1980, p. 181).

The Political Camps among CIO Unions

Measuring the major independent variable in this analysis, that is, the union's political camp, is inherently controversial—especially the decision to classify a union as "Communist led." For not only the bosses but even union rivals used Red-baiting, or calling someone a Communist, as a weapon. Some AFL unions and even a few in the CIO formally barred Communists from office (Saposs 1959, p. 121; Taft 1953, p. 23). So, for Communists to conceal their party membership was not merely a Leninist reflex; it was often both a matter of principle ("Don't let Red-baiting break you up") and of practical political (and often physical) survival. Avowed Communists were thus rare among CIO unionists. Any classification of unions as Communist led (or "Communist dominated") thus involves something of a distortion (and construction) of political reality.

We have used Max Kampelman's classification ([1957] 1971, pp. 45–47) despite its tendentiousness; it is based mainly on the CIO's so-called trials of Communist-dominated unions and on other (anti-Communist) sources (e.g., Avery 1946; RIA 1946, pp. 17–18). Kampelman categorized unions mainly on the basis of the issues raised, causes advocated, and positions taken by their leaders. For the Communist camp, this amounted to the claim that they were "parroting the Soviet line"; rarely was any evidence offered to demonstrate actual Communist party membership (1957, pp. 121–40, 167–224). Nonetheless, the classification's merit is that it represents the common political understandings of many union activists at the time. It also accords with our own study of the historical record.

Among the stalwarts of the left-wing or Communist camp were the Mine, Mill and Smelter Workers (MM), the United Electrical, Radio, and Machine Workers (UE), and the International Longshoremen's and Warehousemen's Union (ILWU). Alone among Communist-led unions, the constitution of MM, heir to the radical Western Federation of Miners, was explicit in its socialist objectives.¹⁴ The preamble of its constitution (Mine, Mill and Smelter Workers 1947, p. 2) declared: "We hold that there is a class struggle in Society, . . . that the producer . . . is exploited of the wealth which he produces, . . . that the class struggle will continue until the producer is recognized as the sole master of his product, . . . [and] that the working class, and it alone, can and must achieve its own emancipation."

In the center were the "uncertain and shifting" unions (Kampelman 1957, pp. 45–47). Communists were at times very influential in the coali-

¹⁴ A cursory review of some of the publications of these unions, however, suggests that socialist conceptions were often implicit in their interpretation of union aims.

tion holding power in the union or in the main opposition coalition. Among this camp’s major unions were the United Automobile Workers (UAW), the United Packinghouse Workers, and the Oil Workers International Union. The UAW, the CIO’s biggest union, had radicals of many stripes among all of its rival factions. Its officers were committed to “prepar[ing] the ground for the wider and richer economic democracy which our combined efforts will win for our children,” but also affirmed that “the worker does not seek to usurp management’s functions . . . through his Union [but] merely asks for his rights” (UAW 1947, pp. 1, 4).

The unions classified in the *anti*-Communist political camp were led by officials most of whom considered the Communists an illegitimate political force. The United Steelworkers of America (USWA), the Textile Workers Union, and the United Rubber Workers were among the most important unions in the anti-Communist camp. Officials of USWA, this camp’s most powerful union, were influenced by Catholic labor doctrines emphasizing social harmony and the achievement of “Christian justice” through class collaboration (Levenstein 1981, pp. 111–13).

The Contradictory Tendencies

The pro-capital versus pro-labor tendencies of a specific political regime of production, as they are formally codified in the relevant provisions of a union’s contracts, are measured here as follows.¹⁵

Management prerogatives.—A clause (or clauses) in which a union cedes the “right to manage” ordinarily stipulates that “management has the right to hire, the right to discharge for just cause, the right to discipline, the right to plan production, the right to change the process of production, etc.” (California Institute of Technology, n.d., p. 21). So, a contract’s enforcement of management prerogatives or rights is indicated by a clause explicitly ceding them to management; its absence leaves labor free to challenge and encroach on them.

The right to strike.—A “no-strike” provision prohibits strikes entirely or specifies the limited conditions under which they are permissible during the term of the contract. (Such a provision might prohibit strikes when the disputes involved are subject to settlement by the grievance machinery or arbitration; or when they are unauthorized by the international.) So, restrictions on the right to strike for the duration of the

¹⁵ Aronowitz (1973, p. 217) specifically cites three of these pro-capital contractual “obligations” as the principal means by which “the modern labor contract [under monopolistic capitalism] . . . provide[s] a stable, disciplined labor force to the employer.”

contract are measured as a trichotomy: no prohibition, a conditional prohibition, or a total prohibition of strikes.

Contract term.—The practical effect of a no-strike clause in restricting the workers' ability to resist their employer or prevent them from enforcing their understanding of the contract depends to some extent on the term of the contract and on the provisions of the grievance procedure. The longer the contract's term, other things being equal, the longer the workers are prohibited from using the strike either conditionally or totally as a weapon of struggle; so, the longer the term, the more disabling is a strike prohibition, even a conditional one, of "rank-and-file power in the immediate production process" (Davis 1980, p. 43). If long-term agreements serve as "a management tool to stabilize production and labor costs," as Aronowitz suggests (1973, p. 252), "militant unionism has always fought for one-year contracts based on its view of contracts as *per se* a limitation on workers' power to deal effectively with problems on the job." So, we have also included a dichotomous measure of the length of the contract, that is, short-term (one year) versus long-term (18 months or more).¹⁶

Grievance procedure.—Aside from a no-strike clause or a long-term contract, a complex and lengthy grievance procedure also reduces the pressure on an employer to try to resolve contract disputes and grievances quickly (cf. Mills and Wellman 1987, p. 194). An employer's ability to discipline workers is enhanced by "a bureaucratic and hierarchical grievance procedure consisting of many steps during which the control over the grievance is systematically removed from the [hands of the workers on the] shop floor" (Aronowitz 1973, p. 217). Conversely, the workers gain from a grievance procedure that involves the union, through a steward or "committeeman," from the first step, when a worker first presents a grievance, and resolves the grievance speedily and "at the lowest levels" (i.e., within the workplace itself). Such a procedure makes it easier for the workers to enforce the terms of the contract and correct what they see as inequities and abuses (Lens 1947, pp. 716–17).

A provision that a union "rep" must be present at the first step immediately transforms it from an individual complaint into a collective demand backed by the union. This not only increases the chances of settling it favorably but also protects the workers from retaliation by management. Settling a grievance with the least delay is assured by limiting the

¹⁶ A union might be willing to accept a conditional or even total strike prohibition as a trade-off for a short-term contract. We include a trade-off variable below, in our logit model (table 5).

number of steps allowed to process it and by putting a time limit both on each step and on the entire procedure. In contrast, a procedure involving many steps both delays settling a grievance and cedes its settlement to higher union and management officials.¹⁷

So, to measure the pro-labor versus pro-capital tendencies embodied in a grievance procedure, each of these three variables is dichotomized, that is, whether or not a union rep must be present at the first step; the number of steps (1–3 vs. 4 or more); and whether or not every step has a time limit.¹⁸

The Sample

This analysis is based mainly on a California sample ($N = 236$) of local collective bargaining agreements from 1937 through 1955. There were 31 CIO international unions with locals in California during this period, and the sample contains the local contracts of 23 of them. The California sample is taken from a refined national sample ($N = 431$) that we constructed from an original batch ($N = 660$) of CIO agreements obtained

¹⁷ Of course, whether the provisions considered "pro-labor" in this analysis are "really" in the workers' interests is not merely a question of meaning and measurement but a philosophical one as well. But, precisely for that reason, they reflect what unionists in the CIO's rival political camps believed to be working-class interests and what was necessary to protect and advance them. Thus, such militant, but anti-Communist, CIO leaders as Philip Murray and Walter Reuther came to believe that labor-management cooperation or a partnership between union and management would best serve the interests of the working class. For this reason, Reuther and Murray probably would have agreed with the recent assessment of our pro-labor provisions by former Supreme Court Justice Arthur J. Goldberg—who had been general counsel for both the CIO (1948–55) and USWA (1948–61) before becoming President Kennedy's secretary of labor. In a letter (Goldberg 1990), the late justice argued that refusing to cede the management prerogative and retaining the right to strike during the contract are actually to the "detiment of workers in the enterprises." In this view, challenging "management prerogatives leads to anarchy in the plants"; and preserving the right to strike during the life of a contract "necessarily leads to strikes about grievances which are better resolved through grievance procedures. Further, it also results in overzealous local union leaders who instead of pursuing grievances in an ordinary way go along with strikes. . . . The principal sufferers of such strikes are union members. . . . [They] bear the burdens of such strikes and often are replaced during such strikes" (Goldberg 1990). This view contrasts starkly with that of the Communists and their allies: they advocated incessant struggle (as an FE pamphlet put it in 1955) against "exploitation . . . by applying [workers'] economic and political power 365 days a year" (quoted in Gilpin 1988, p. 18).

¹⁸ A more effective measure would be the actual time limit on the entire grievance procedure, but the relevant data are not available for enough of the California contracts for us to carry out a systematic analysis.

from the California Institute of Technology. The Appendix provides details on the construction of the national sample and on the representativeness of the California subsample.

The relationships shown here, as we have emphasized, are not only of theoretical relevance but also constitute simple historical facts about our recent past that bear on our understanding of the present. What our analysis shows about the prevailing theory of labor unions and reveals about the realm of possibilities, and what it discloses about America's recent past during the CIO era, are conceptually separable issues. But they are historically inseparable. They both bear on the historical meaning of the origins, course, and consequences of Communist leadership among America's workers.

Although a sample need not be representative for an analysis that explores theoretically relevant relationships, so long as its scope is appropriate and these relationships have not themselves been introduced into the data by selective sampling (see Zetterberg 1965, pp. 128-30), the representativeness of the sample is relevant if it is to be adequate descriptively or to provide a source of reliable historical data. This is why we based this analysis on the sample of contracts negotiated by local unions in California. The prestige of the California Institute of Technology in its own state and its easier access to California companies and unions probably enhanced the chances that these organizations would send the requested copies of their collective bargaining agreements to the Industrial Relations Center. We surmised that this probably would make the sample of California agreements fairly representative of all such agreements in California. Basing our analysis on agreements in California alone also tends to hold constant some of the objective conditions outside the workplace. (We found, however, that the same pattern of relationships obtains in the national as in the California sample.)

THE EFFECTS OF POLITICAL LEADERSHIP

What, then, are the effects of a union's political leadership on the political regime of production? How different were the provisions codifying the political terms of the immediate capital/labor relation (i.e., management prerogatives, the right to strike, the grievance procedure, and contract duration) in the contracts won by local unions in the CIO's contending political camps? Was the pattern of contractual provisions in these camps roughly the same? If the functionalist consensus, whether in its pluralist or Marxist variant, as well as the prevalent views of historians, were correct, then the answer to the last question (our null hypothesis) would be yes.

Findings

We find, however, that the contracts won by the rival camps differed sharply: those won by the locals of Communist-led unions were consistently more likely to be pro-labor on the entire set of provisions codifying the crucial political terms of the immediate capital/labor relation than those won by locals affiliated with internationals in the shifting and anti-Communist camps. The contracts of the shifting unions—several of which Communists and their allies substantially influenced—also were more likely to be pro-labor than those of the anti-Communist unions, although not consistently. But the vast *majority* of the contracts of the Communist-led unions were pro-labor on *each* of these provisions (table 1).

If, for the moment, we disregard what each provision specifies and just count how many provisions were pro-labor, the results are dramatic. One-fifth of the local contracts of the Communist unions were pro-labor on all six provisions and thus actualized the “ideal type” of the anticapitalist political regime of production; but none of the contracts of the unions in the other camps were pro-labor on all six provisions. Further, half of the contracts won by the Communist-led unions, but only 3% and 2%, respectively, of those in the shifting and anti-Communist camps, had at least five pro-labor provisions (table 2).

The local contracts in our sample are not evenly distributed among a camp’s various international unions; so, to check the possibility that our findings might be distorted by the overrepresentation of the local contracts of one or another international, we sorted and examined the local contracts by international. For every international having at least five local contracts in the sample, we calculated the percentage of these contracts that were pro-labor on the set of crucial provisions. Although this gave us only a handful of unions in each political camp to compare on each provision, the relationships are sharp, clear, and in the same direction as the relationships already shown. On all of the provisions, the average percentages of pro-labor local contracts were much higher for the Communist-led internationals than for those in the other political camps combined. On the management prerogative, the mean percentage pro-labor was 72% for the six Communist-led unions and 44% for the six non-Communist unions; on the strike prohibition, the pro-labor means were, respectively, 52% ($N = 6$) versus 24% ($N = 6$); on the contract term, 84% ($N = 6$) versus 62% ($N = 4$); and on the components of the grievance procedure: steward, 76% ($N = 5$) versus 27% ($N = 5$); number of steps, 75% ($N = 6$) versus 61% ($N = 6$); and time limits, 60% ($N = 5$) versus 45% ($N = 5$).

TABLE 1
PROVISIONS IN CIO LOCAL UNION CONTRACTS IN CALIFORNIA, 1938-55, CODIFYING PRO-LABOR TENDENCIES OF THE POLITICAL REGIME
OF PRODUCTION, BY CIO POLITICAL CAMP (%)

| POLITICAL CAMP | MANAGEMENT PREROGATIVE | STRIKE PROHIBITION ^a | | | CONTRACT TERM | | | GRIEVANCE PROCEDURE | | |
|--|------------------------|---------------------------------|-------------|---------|---------------|---------|---------|---------------------|--|--|
| | | None | Conditional | Total | Contract | Steward | Steps | Time | | |
| Communist | 59 (91) | 25 | 40 | 35 (91) | 83 (81) | 79 (70) | 84 (91) | 65 (69) | | |
| Shifting | 41 (78) | 10 | 24 | 65 (78) | 74 (65) | 32 (62) | 64 (78) | 43 (54) | | |
| Anti-Communist | 22 (67) | 13 | 16 | 70 (67) | 54 (50) | 34 (59) | 67 (67) | 46 (54) | | |
| Log odds ratio (uniform association) | .80** | | .46** | | .70** | .99** | .44** | .40** | | |
| Standard error | .18 | | .12 | | .21 | .20 | .18 | .18 | | |

NOTE.—Numbers in parentheses are *N*'s. Pro-labor provisions are defined as follows: management prerogatives, no clause; strike prohibition, either a conditional prohibition or none, contract term, one year or less; grievance procedure: (1) steward, steward has to be present at the first step; (2) steps, 1-3; and (3) time limits, each step has a time limit.

^a Dichotomized for log odds ratio, no prohibition and conditional prohibition vs. total prohibition.
** $P < .01$.

TABLE 2

PRO-LABOR PROVISIONS IN CIO LOCAL UNION CONTRACTS IN CALIFORNIA,
1938-55 (%)

| POLITICAL CAMP | NUMBER OF PROVISIONS | | | | | | |
|-----------------------------------|----------------------|----|----|----|----|----|----|
| | 0 | 1 | 2 | 3 | 4 | 5 | 6 |
| Communist ($N = 51$)..... | 0 | 0 | 10 | 20 | 22 | 29 | 20 |
| Shifting ($N = 37$)..... | 0 | 11 | 27 | 30 | 30 | 3 | 0 |
| Anti-Communist ($N = 46$) | 4 | 17 | 33 | 17 | 26 | 2 | 0 |

NOTE.—See the notes to table 1 for the definitions of each pro-labor provision. Data on contract duration are missing for the prewar contracts. To retain these prewar contracts in the sample so that the findings on the other provisions would not be lost, we coded all prewar contracts *as if* they were short-term.

"OBJECTIVE CONDITIONS"

We abstract here from the sorts of "objective conditions," or "structural factors," that are usually the focus of sociological explanations of workers' behavior or "labor relations"; that is, we assume that they remain constant in order to explore the relatively independent effects of the political consciousness of union leaders in determining the political terms of the immediate capital/labor relation. No doubt such structural factors affect immediate capital/labor struggles and the types of unions and parties that emerge and gain adherents among workers. But they do not determine the objectives, strategy, or tactics of the unions and companies confronting each other in the class struggle in production or who wins and who loses. Nonetheless, we want to briefly consider the possible relevance of several structural factors for our analysis.

Industrial Structure

The CIO international unions whose local contracts we analyze here were involved in industries that differed in their productive organization and relative economic centrality. So it is certainly possible that such differences might have influenced what types of provisions these unions and their locals tried to win as well as what type they could win. But, in reality, the rival political camps were quite diverse in their internal industrial composition and, therefore, not essentially dissimilar in the relative heterogeneity of their forms of productive organization and technology, levels of concentration, sensitivity to economic fluctuations, and so forth. None of the camps appears to be in any way distinctive in these terms. So, it is doubtful that such structural variables can account for the pat-

tern of deep differences between the camps' characteristic political regimes of production.

Further, we did try to assess the independent effects of some of the objective economic conditions of the industries the unions organized and of some of the demographic characteristics of the workers in these industries on the unions' political alignments. Overall, we found no theoretically relevant bivariate relationship between any independent variable and the union's political camp, so it is improbable that any of these structural variables could have accounted for the pattern of the contracts won by the unions in the rival camps.¹⁹

Two recently completed studies by historians whose focus is also the "intersection" between "union ideology and functioning" (McColloch 1988, p. 2; Gilpin 1988) fully support our reasoning and evidence. They both compare the activities of two rival unions—one led by Communists and their allies, the other led by non-Communists—that were not only in the same industry but, indeed, represented workers in different shops of the same company. What emerges in these studies is a pattern of sharp contrasts between the rival unions consistent with that revealed here. They find that the Communist-led unions made demands for better working conditions and won pro-labor provisions in their contracts that their rivals neither demanded nor won: this was the pattern when the Communist-led FE and the UAW "went at each other" at International Harvester during the same period examined here (Gilpin 1988, p. 1); and the same was true of the intense rivalry at Westinghouse throughout the 1950s between the independent UE, which was expelled from the CIO in 1949, and the CIO's anti-Communist International Union of Electrical Workers (IUE), which was chartered in 1949 by the CIO executive board to raid and destroy the UE (McColloch 1988). Similar conclusions emerge in a recent sociological analysis comparing the records of the country's two longshoremen's unions, based in the same industry and confronting many of the same shipping lines, from the 1920s until the early Cold War years: the Red-led ILWU on the West Coast and the "conservative and racket-ridden" East Coast International Longshoremen's Association (Kimeldorf 1988).

¹⁹ The question remains whether variations in the objective economic conditions in an industry or its internal social composition interacted with the political consciousness of union leaders in shaping the political regimes of production in which their unions were involved. It is not possible to measure such interaction effects correctly with the available crude indicators of the varying industrial situations actually encountered by the unions (see Stepan-Norris and Zeitlin 1989, p. 508, and app. 1 and app. 3, pp. 519–21).

Union Structure and Situation

The CIO’s 38 durable international unions varied considerably in size of membership, the number of workers their contracts covered, and competition from other unions in the same industry. These aspects of their organization and competitive situation also might somehow have entered into what the workers and their leaders thought was possible or realistic and could, therefore, have affected both the union’s formulation of its demands and the actual odds of winning them in collective bargaining. So, as a rough means of controlling for such differences, we also analyzed both the local and national agreements won by the CIO’s top three unions, the so-called Big Three: UAW, USWA, and UE.²⁰

The UE was known as the “Red fortress” in the CIO, and its leadership was supported by a broad base of Communists and other radicals spread among its highly independent locals and powerful districts. Its collective bargaining strategy and specific demands “came up from the locals through the various industry conference boards, not down from the top” (Filipelli 1984, pp. 240–41; see also Matles and Higgins 1974).

In the UAW, the Communists and their allies formed a “left-center” coalition, which was one of the most important factions that vied for the union’s leadership over the years. They also led some important locals (including Local 600, “the world’s biggest local,” at Ford’s River Rouge plant in Dearborn, Michigan). Walter Reuther was elected UAW president in late 1946; after his faction won a majority of the executive board at the November 1947 UAW convention, they purged the Communists from the union.²¹

The USWA was organized by the CIO’s Steel Workers Organizing Committee (SWOC), whose organizers—many of them Communists—were all hired, paid, and fired by John L. Lewis, Philip Murray, and other SWOC officials. After they organized a local, SWOC sent

²⁰ In 1944, their official memberships were as follows: UAW, 1 million; USWA, 800,000; UE, 500,000; together, at that time, they constituted 46% of the membership of the CIO’s 38 affiliated international unions (calculated from Huberman [1946, pp. 161–80]). As of October 1949, both the UAW and USWA “hovered close to the one million member mark,” and UE had some 650,000 members (Levenstein 1981, pp. 205–6). Until 1942, when John L. Lewis took the United Mine Workers (UMW) out of the CIO to protest its subservience to President Roosevelt, the UMW ranked third in the CIO. (In 1944, the UMW had 600,000 members.)

²¹ The locals and districts of the UE and UAW varied considerably in the extent of Communist or anti-Communist influence. This suggests that any future attempt to assess the effects of union political leadership in collective bargaining should also try to take into account the actual political complexion of the locals themselves; to do so, primary historical research will be necessary.

them elsewhere (Taft 1964, p. 57). Although Communists led some of the union's toughest organizing battles, they were not able to gain and hold local leadership because when they "were spotted, or became too dangerous a threat, they were discharged" (Saposs 1959, p. 122). The SWOC was not disbanded, and the union itself was not officially established until 1942. So, USWA was to endure as a bastion of the CIO's anti-Communist camp.

The pattern in the local contracts of the Big Three was about the same as that for the political camps to which they belonged. The UE's local contracts were by far the most consistently pro-labor on the set of crucial provisions, followed by the UAW, with the USWA a distant third (table 3).

What about the Big Three's national contracts (i.e., the contracts the internationals' own executive offices negotiated)? Did they exhibit the same pattern? To answer this question we examined all of the national agreements made (from the earliest in 1937 or 1938 through 1950) between each of the Big Three's unions and the major employer in its industry: the UE and General Electric (GE), the UAW and GM, and the Steelworkers (SWOC, later USWA) and Carnegie-Illinois (which became U.S. Steel [USS] in late 1950).²²

Not one of the UE/GE national contracts—before, during, or after World War II—ceded management rights or prerogatives (General Electric 1938–50). But the UAW/GM and USWA/USS national contracts all did (General Motors Corporation 1937–50; United States Steel Company 1937–50). That the UE refused to cede management prerogatives in the postwar years is especially significant, for, from late 1945 on, higher corporate executives and organized big business were demanding that "unions . . . recognize, and not encroach upon, the functions and responsibilities of management" (U.S. Department of Labor 1946, pp. 56–57). Management resolutely resisted any form of "joint [union-management] control of matters beyond wages and working conditions," as Sanford Jacoby (1981, p. 26) emphasizes, and, after the war, "the unions accepted the terms set by management."²³

²² For each union and company, by year, our analysis covers the following national agreements. For UE/GE, we cover agreements made in 1938 (actually in force until 1941), 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948 (in force until 1950), and 1950. For UAW/GM, we cover 1937, 1938 (in force until 1940), 1940, 1941, 1942 (in force until 1945), 1945, 1946 (in force until 1948), 1948 (in force until 1950), and 1950. For SWOC/Carnegie-Illinois (referred to here as USS), we cover 1937 (amended in 1938, it remained in force until 1941) and 1941, and, for USWA/USS, 1942 (in force until 1945), 1945 (in force until 1947), and 1947 (amended in 1948, 1949, and 1950).

²³ The most dramatic expression of the corporations' immediate postwar reassertion of the so-called right to manage came in the UAW/GM 113-day strike, begun on November 21, 1945, which involved some 300,000 workers nationwide: GM won the

But, as we know, the UE did not accept the terms set by management. Its postwar agreements with GE did not cede management prerogatives—not even in 1950 after its expulsion from the CIO and while it was under relentless siege by government agencies and raids by other unions.²⁴

The national agreements of UE/GE had only a minor condition on the right to strike; before striking, a local was to try to resolve the dispute or grievance through the established grievance procedure.²⁵ They were all short-term (one-year) agreements, except that of 1948 (which was for two years). In the grievance procedure, workers, stewards, and the local union retained initiative, and it involved the fewest and least cumbersome steps and the shortest time limits of the Big Three contracts.²⁶

strike, after absolutely refusing to bargain over issues (e.g., pricing) that it saw as encroachments on the “sovereign power of corporate management” (Harris 1982, pp. 139–43; Cochran 1977, pp. 251–52).

²⁴ The 1950 UE/GE contract was signed in September 1950. From April to June 1950, while winning 40 of 90 NLRB elections (under conditions imposed to favor the rival IUE, which the CIO set up in the UE’s jurisdiction) at GE, Westinghouse, and other corporations dominant in the electrical industry, the UE lost about half of its pre–November 1949 members, most of them to the IUE, some to other raiders, such as the Machinists Union. A month before the UE/GE 1950 agreement, five of the UE’s top officers were cited for contempt of Congress for refusing to cooperate with the House Un-American Activities Committee on the grounds of the Fifth and First Amendments (Levenstein 1981, pp. 310–11).

²⁵ Derber (1945, p. 753) mistakenly reports that the 1938 UE/GE contract forbade “sit downs, stoppages and lockouts . . . during the life of the agreement.” In fact, it had only the same conditional prohibition that later contracts had, namely, if a dispute could not be solved between the local and its particular plant management, the local had the option, before exercising its right to strike, of taking it to higher levels of the union if it wished: “such cases *may* be referred to the National Officers of the Union and an Executive Officer of the Company who shall arrange a conference (if necessary) with representatives of the Local union” (see, e.g., GE 1941, p. 10; 1948, p. 41; italics added). This was also true of the wartime UE/GE national contracts (e.g., 1942, p. 11; 1944, p. 25). We examine “period effects” below.

²⁶ The 1950 UE/GE contract actually strengthened the grievance procedure by providing that the steward had to be involved throughout three designated phases of “step one.” The stewards for the UE were elected by the workers in the shop or small department and, unlike the committeemen of the UAW and USWA, were not paid by the company (until 1950, when part of their time was company paid). The ratio of shop stewards to workers in the UE, which always stressed that rank-and-file workers should decide for themselves how to handle grievances, was also generally much higher than the ratio of committeemen to workers in UAW and USWA (Matles and Higgins 1974; Matles 1965). Aronowitz (1973, p. 254; italics added) reports that “the rank-and-file steward was replaced by the [company-paid] ‘committeeman’ in the United Auto Workers agreement with the ‘Big Three’ manufacturers of the industry in 1946.” This date for the introduction of the paid committeeman is incorrect. The 1938 UAW/GM contract already specified that committeemen would be paid their regular wages by the company (for up to two hours daily) while they handled grievances (1938, p. 3). The 1946 contract increased the number of paid hours permissible,

The UAW/GM agreements ceded management prerogatives, stipulating that the corporation had the “sole and exclusive responsibility” to decide what and how to produce. They restricted the right to strike by requiring that no strike be called before a lengthy and complex grievance procedure was exhausted (this included recourse to an impartial umpire whose decisions were final); all stoppages, slowdowns, or strikes also had to be authorized by the international. Until 1946, UAW/GM contracts were for a one-year term or stayed in force indefinitely until revoked, on 60 days’ written notice, by either the union or company. The 1946 and 1948 contracts were for two years and also contained the 60-day notice provisions. In 1950, UAW signed the first of its long-term contracts, a five-year agreement with GM, which some say “signaled the end of an era in industrial unionism” (Aronowitz 1973, p. 247).²⁷ The UAW/GM grievance procedure typically had four complex steps, with specific time limits. At the worker’s request, the committeeman handled the first step of the grievance.

The SWOC/USS and USWA/USS national agreements all ceded management prerogatives, stipulating that the company had the “exclusive rights to manage the business and plants and to direct the working forces.” They all had definite no-strike clauses, which prohibited strikes and stoppages during the life of the contract. Disputes were to be settled by “earnest efforts” by both the union and the company, through the grievance procedure. The end of this procedure was compulsory arbitration unless both parties agreed to forgo it. The earliest national agreement in 1937 left an aggrieved worker on his own to settle the grievance with the foreman, but subsequent agreements specified that the steward (or “assistant committeeman”) could be present at the first step of the grievance procedure at the worker’s request. The grievance procedure had three steps in the 1943 agreement but later had four or five complex steps, with specified time limits.

So, in sum, our clause-by-clause examination of the local and national contracts won by the three biggest international unions reveals the same

averaged over the week, to five per day (1946, p. 14), and this was the standard in subsequent contracts through 1950 (e.g., 1950, p. 18).

²⁷ The 1950 UAW/GM contract was hailed at that time by the editors of *Fortune* magazine as “The Treaty of Detroit” (Lichtenstein 1982, p. 242) and “the biggest labor event . . . of the post–World War II period,” because it “threw overboard . . . all theories of profit as ‘surplus value’ ” (*Fortune* 1951, p. 94). This contract, because of the economic centrality of the auto industry, had major pattern-setting implications. But, it should be noted, Harry Bridges’s ILWU had signed a seven-year contract with West Coast employers two years earlier, in 1948; part of ILWU’s rationale was that the contract would protect the longshoremen’s jobs against impending mechanization (Levenstein 1981, p. 334).

TABLE 3
PROVISIONS IN BIG THREE CIO LOCAL UNION CONTRACTS IN CALIFORNIA, 1938-55 (%)

| BIG THREE UNION | MANAGEMENT PREROGATIVE | STRIKE PROHIBITION ^a | | | GRIEVANCE PROCEDURE | | |
|--------------------------------------|------------------------|---------------------------------|-------------|---------|---------------------|---------|---------|
| | | None | Conditional | Total | CONTRACT TERM | Steward | Steps |
| UE | 44 (32) | 25 | 69 | 6 (32) | 93 (31) | 93 (27) | 87 (32) |
| UAW | 29 (34) | 15 | 32 | 53 (34) | 78 (27) | 48 (31) | 68 (34) |
| USWA | 7 (44) | 16 | 16 | 68 (44) | 55 (31) | 25 (40) | 66 (44) |
| Log odds ratio (uniform association) | .1.08** | | .67** | | 1.19** | 1.61** | .55* |
| Standard error | .31 | | .18 | | .36 | .33 | .28 |
| | | | | | | | .27 |

NOTE—Numbers in parentheses are N's

^a Dichotomized for log odds ratio, no prohibition and conditional prohibition vs total prohibition

* $P < .05$.

** $P < .01$.

pattern found in the local contracts of the rival camps as a whole: the UE/GE agreements were definitely pro-labor.²⁸ The UAW/GM agreements were much less so, and the USWA/USS were the least by far.

The process of formation of the CIO's 38 durable internationals differed considerably. In turn, these variations in how the unions were formed "loaded the historical dice" in favor of the Communists' or their rivals' winning power in the new CIO unions. Specifically, the following "insurgent political practices" enhanced the Communists' chances of winning union leadership: (1) secession of the union from the AFL from below through the insurgency of its workers (rather than from above, through the revolt of its top officers); (2) independent organization of the union (rather than organization by a CIO "organizing committee"); (3) formation of the union through amalgamation (rather than as a unitary organization); and (4) earlier penetration of the industry by "Red union" organizing (Stepan-Norris and Zeitlin 1989).

Did the organization of a union through any of these insurgent political practices have independent effects on the objectives and achievements of the union in collective bargaining? That is, if insurgency continued to characterize the political practice of the leaders of a union, whatever political camp it was in, this would also have been expressed in fighting for and winning "pro-labor" provisions in its collective bargaining agreements. This is a complex empirical question that we shall take up in detail elsewhere. What is immediately relevant to report here, however, is that, when the presence or absence of insurgent political practices in the organization of the union are held constant, the Communist-led unions were still far more likely than their rivals to win pro-labor provisions in their contracts.

Trade-offs

The question remains: Would an analysis focusing on other contract issues and provisions, for instance, on the differences in the actual wages and benefits won, disclose a similar pattern of variation among the unions in the rival political camps? In particular, "some of the authors in the pluralist tradition . . . imply that [Communist-led or radical] ideological unions can obtain 'anti-management' measures, but only at the cost of their ability to achieve gains in [other] areas, like wages. Hence, they

²⁸ After the UE was expelled from the CIO, say Howe and Coser (1957, p. 46), the "Stalinists at [its] head . . . in order to maintain their contracts, were noticeably indulgent with management." We have found no evidence to substantiate this oft-repeated claim.

serve their members less well than conventional unions . . . [because of their] trade-off between wage gains and militancy on control issues."²⁹

The effect of unions on wage levels—a much-debated issue—is beyond the purview of this article. But we want to point out in this connection that, contrary to the claims of some critics (Epstein and Goldfinger 1950, p. 42; Youstler 1956, p. 266; Preis 1972, p. 397), we have found no evidence to support the charge that the UE was less effective than other major unions in "delivering the goods." For instance, in two of the three immediate post-World War II bargaining rounds, the wage raises won by each Big Three union from the industry's largest company were identical: the UE/GE, UAW/GM, and USWA/USS contracts specified raises in early 1946 of 18.5¢ an hour; in 1947, the raises amounted to 15¢ an hour. But in the third round, in 1948, the UAW led with 14¢, the USWA was next with 13¢, and the UE third with 12¢ (Soffer 1959, p. 59, citing Bureau of Labor Statistics data).

On other "bread and butter" issues, the available evidence also contradicts the idea that the Communist-led unions abandoned the workers' immediate interests for mere anticapitalist rhetoric. Again, the two recent historical studies comparing rival unions in the same industry and company during the same period (Gilpin 1988; McColloch 1988) found no evidence to support this view. The FE consistently fought the "speed up" and similar methods of "lowering costs" and raising "productivity." The FE saw these, as it warned its workers in 1955, as methods of actually increasing the workers' exploitation. They were a "means [of] widening the spread between what a worker gets paid for his labor and the profit that the company makes on his labor" (FE 1955, quoted in Gilpin [1988, p. 19]).³⁰

In his analysis of the records of the UE and the IUE on incentive pay and seniority provisions and practices at Westinghouse in the 1950s, Mark McColloch (1988, pp. 28–29) also found a "clear difference" both in how these unions approached these questions and in the working conditions that resulted. "On both incentive and seniority the UE . . . consistently resisted take-aways and usually succeeded. . . . Measured day work and camera time studies were just two of the Westinghouse-sought innovations which the UE was able to block, while they were being imposed on thousands of IUE members. . . . [UE] firmly and

²⁹ This quote is from an anonymous *AJS* reviewer.

³⁰ The Congress's Joint Labor-Management Relations Committee also "tended to agree," Gilpin observes (1988, p. 47, n. 68), "at least in 1948, that the FE established the standards for contracts in the agricultural implements industry."

consistently resisted . . . any watering down of the applicability of seniority” and also fought, in particular, for equal seniority rights for women.

The Shop Floor

Our empirical analysis focuses on the provisions of “the document that most shapes the daily life of the . . . worker—the contract” (Gilpin 1988, p. 2). But a crucial question is how closely “the contract reflects the character of actual industrial relations” (Aronowitz 1989) and thus whether the “contract language gives a very limited window into the actual role of unions [in] . . . class struggle” (Brecher 1990). What, put theoretically, is the relationship between the juridical and the practical reconstruction of the immediate capital/labor relation? How the contract shapes the workers’ daily lives depends on what the union makes of it in practice—whether acting “as night watchman over the collective agreement” to “circumscribe the terrain of struggle” (Burawoy 1983, pp. 594–95), or engaging in constant “extra-contractual shop floor activity” and wielding the contract “in the workers’ defense, employing it when it [is] useful, abandoning it when [it] is not” (Gilpin 1988, pp. 14, 25; see also Mills and Wellman 1987).

The information available about the entire realm of union activity on the job, based on the observations of shop-floor relations provided by three ethnographic studies as well as by several historical studies, is consistent with the contractual pattern disclosed here.

We now know that the USWA’s national and local agreements, compared with those of the UE and the UAW, were, by far, the most pro-capital. Yet, it was on the basis of Burawoy’s work as a machine operator in a piecework machine shop in a USWA local that he elaborated his variant of the theory of labor unionism’s irremediably pro-capitalist functions (1979). He also drew extensively on Donald Roy’s (1952) reports on shop-floor relations in the same factory 30 years earlier.

Although their studies were separated by so many years, Burawoy found that Roy’s observations and his own coincided on the role of the union in the shop and on the workers’ attitudes toward it. For instance, he quotes Roy’s report (Roy 1952, p. 434) that “the union was rarely a topic of . . . conversation [in the shop], and when it was mentioned, remarks indicated that it was not an organization high in worker esteem. Characteristic of machine operator attitude toward the union was the scornful comment: ‘All the union is good for is to get that \$1.00 a month out of you.’ ” Roy said that he had little contact with the shop steward. “In his eleven months at Geer,” Burawoy reports, “Roy interacted with [the steward] only twice. [First, when] the steward wanted him to sign the checkoff form” and second, when Roy complained to him about his

piecework payment rate. "The steward showed interest but did nothing." These "attitudes among rank and file," Burawoy says (1979, pp. 111–12), "remain much as they were in 1945. There is a pervasive cynicism as to the willingness and ability of union officials to protect the interests of the membership."

Given the close fit between Burawoy's and Roy's observations on the union's role and the men's views about it, it is crucial that the observations by another member of Roy's own three-man research team working elsewhere at about the same time were quite different from Roy's (and Burawoy's). While Roy was working in his shop, Orvis Collins was also working as a milling machine operator, in a shop employing 90–110 machine operators, in another factory (Roy's shop employed some 50 men). Collins worked there for about six months, and he also spent many months afterward interviewing the men he had worked with in his shop (Collins, Dalton, and Roy 1945).³¹

But the union steward in Collins's shop—unlike the nearly invisible one Roy reported in his shop—was highly visible, active, and respected. He was the leader of a lunch group of about 40 workers who "were CIO." Another lunch group consisted of about 15–20 "AFL men," dominated by several who wanted the AFL to replace the CIO in the plant (Collins et al. 1945, p. 8). Collins did not find depoliticization and "pervasive cynicism" about the union's defense of their interests; rather, he found that "union sentiment was strong" in his shop. He also found (unlike Roy's observation that the union—let alone "politics"—was rarely a topic of conversation in his shop) that the workers often had "heated arguments" about political issues, with the lines drawn between the pro-union majority and a few anti-union workers. "These arguments," Collins reports (1945, p. 10), "were usually political in nature, and on such subjects as whether Russia had any part in winning the war, whether Roosevelt had planned to become a dictator, or whether the workmen had 'the right' to strike."

Collins refers to a typical discussion in which one worker, called "Swede," defends the union against the charge by another worker, called "John," that the union is "all right if you like racketeers." Swede responds that "without a union the boss tells you where you're going to work and if you don't like it you don't open your mouth." It was significant that Swede had begun the discussion "feeling John out by saying that he hoped [Henry] Wallace would become Secretary of Commerce" (Collins et al. 1945).³²

³¹ This article is not cited by Burawoy.

³² Wallace, after being passed over for renomination as vice president in 1944, did, in fact, become President Truman's secretary of commerce in 1945; and in 1948, he

- John: I suppose from that you like Wallace.
Swede: He and Roosevelt have both done a lot of good for the working man.
John: What do you mean he's done a lot of good for the working man?
Killing pigs and closing banks. [P. 10]

These ethnographic studies of two different machine shops studied at the same time in the same way by two members of the same research team convey sharply opposed images of shop-floor relations and workers' consciousness. They suggest that the shop-floor relations in Burawoy's (and Roy's) shop were not the expression of unionism's inherently integrative and depoliticizing function, as he assumes, but rather were the product of the specific political practices of the shop's bureaucratic and accommodationist union, the USWA.

Moreover, Collins's observations on the local union's role in shop-floor relations are consistent with our own findings; they, too, reveal that the political consciousness of union leaders makes a significant difference in their political practice. The union in Collins's shop of active, politically alert and committed union men, as the reader may have guessed, was the CIO's "Red fortress," the UE.

Similarly, the two historical studies already mentioned, which compare rival unions in the same industry and company (Gilpin 1988; McColloch 1988), found sharp differences not only in the pro-labor provisions won in their contracts by the rival Communist-led and non-Communist unions but in their actual shop-floor practices. So, for instance, Toni Gilpin's research on the rival Communist-led FE and Walter Reuther's UAW at International Harvester in the late 1940s and early 1950s, where both unions represented about the same number of workers, shows that the UAW emphasized "stability in labor relations" while the FE actively engaged in "the politics of class conflict." Summing up their contrasting relationships with the company, Gilpin (1988) quotes a Harvester official as saying in 1952 that "compared with our relationship with FE-UE, our dealings with the UAW could only be called harmonious" (p. 17). In fact, of the 22 different unions the company dealt with at the time, it put FE in a separate category. The company accused FE stewards of roaming the plant not to deal with actual grievances but, in one official's words, "to promote unrest, stir up ill will, harass the company, and convince as many members as it can that labor relations with Harvester is and must be class warfare" (p. 28). Or, as another company official put it, FE's officers were "irresponsible radicals" who were "more inter-

was to be the presidential candidate of the newly formed Progressive party, in which Communists played a crucial role.

ested in disruption than in labor-management peace” (quoted in Gilpin 1988, p. 42).

FROM RED UNIONISM TO RED “COMPANY UNIONISM”?

During that evanescent era in America’s recent history when Communists and their radical allies held power and trust in many CIO unions, the contracts won under their leadership were more likely than those won by their rivals to contain crucial pro-labor provisions. This was an era, however, of abrupt transitions and profound changes. In this era, there were four distinctive periods whose critical events deeply affected the immediate political agenda, and thus the strategy, tactics, and actual practices of the rival factions and parties vying for leadership within the organized working class. In particular, the “line” of the Communists went through acute turns (zigzags) and sudden reversals (flip-flops) during these years, as the CP sought to cope with sharp changes in the “current situation” both at home and abroad, while also not straying “too far for too long” from “the ‘general line’ . . . set in Moscow” (Draper 1985a, p. 37).

The question, then, is whether the particular pattern of union-management agreements in any of these periods differed substantially from the general pattern for the entire era. These periods were (1) the immediate pre-World War II years of the Great Depression, working-class insurgency, the rapid growth of industrial unions, and the New Deal, (2) World War II, the antifascist alliance, and state regulation of capital/labor relations, (3) the immediate postwar offensive of organized labor, coupled with the right-wing resurgence in Congress and passage of the Taft-Hartley Act in 1947, and (4) the advent of the Cold War, the establishment of the “national security state,” and the heightened attacks on Communists, culminating in the purge of alleged Communist unionists or expulsion of Communist-led unions from the CIO.

In the pre-World War II years, as most serious observers agree, “Communist trade union leaders long [had been] among the most militant in the country” (Seidman 1953, p. 80); “they worked hard to build unions,” as Mills puts it (1948, p. 23), “to fight in the class struggle against the bourgeoisie and its government.” But once Nazi Germany attacked the Soviet Union, and for the war’s duration, the CP officially subordinated the class struggle to national unity in the war effort. Committed to production without interruption, CP officials vehemently supported organized labor’s no-strike pledge. This resulted, in the prevalent view, in the abandonment by the Communist-led unions of “a militant defense of labor’s interests” for the duration of the war (Lichtenstein

1974, p. xvi; but cf. 1982, p. 144).³³ Typical is the claim that the Communist-led unions “moved so far to the right . . . in support of the war effort that the traditional left-right spectrum no longer accurately measured the real differences between factions of the CIO” (Davis 1980, p. 66). “In every union,” columnists Joseph and Stuart Alsop summed up, “the communists became the great reactionaries” (1947b, p. 118; see also 1947a; Mills 1948, p. 23; Lens 1949, p. 345).

In the postwar years, after an interlude of militant unity among its rival factions, the CIO began to split apart over issues of both domestic and foreign politics. The Communist-led Left and their liberal opponents in the CIO differed over how to fight against resurgent reaction and new antilabor legislation.³⁴ They also disagreed, far more sharply, over whether to form a labor-backed third party and to oppose the Truman administration’s emerging Cold War policy of Soviet “containment.” The CIO’s executive-board members wavered for some time over whether to endorse Truman’s presidential candidacy or launch a third party. But in January 1948, they lopsidedly voted to endorse Truman and to oppose formation of a third party. The board enforced adherence to this policy throughout the CIO at all levels and purged anyone who opposed it.

After Truman’s election and the dismal showing of Henry Wallace as the new Progressive party’s candidate, CIO liberals launched an effective assault on the Communists. In late 1949, the CIO’s executive board, now entirely shorn of Communists and their allies, voted to expel unions that were found to “consistently follow the Communist line.” By mid-1950, 11 “miscreant unions . . . had been drummed out of the CIO” (Levenstein 1981, p. 306).³⁵

³³ The German invasion of the USSR ended the 22-month interlude of Soviet neutrality, begun with the Nazi-Soviet nonaggression pact, during which the U.S. Communists—with the slogan, “The Yanks are not coming!”—had been advocates of nonintervention in the war of defense against the Axis powers.

³⁴ Taft-Hartley required that union officers sign a “non-Communist affidavit” and allowed the employer to call for a bargaining election to try to decertify the union (i.e., deprive it of NLRB representation) if its officers refused to sign an affidavit (Roberts 1971). If they openly left the CP but did not renounce communism and then signed the affidavit, as some did, they were promptly put on trial for perjury.

³⁵ Although we have adopted the term “political camp” as a convenient label for the CIO’s internal political alignments, these camps (including even the so-called well-disciplined Communist camp) were not organized or even cohesive. For instance, only four of the Communist-led unions (not including the UE) endorsed Wallace’s 1948 presidential candidacy. At neither the 1948 nor the 1949 CIO conventions was there any evidence that the Communist-led unions, or even their three major ones, the UE, MM, and ILWU, agreed on a common stance against the onslaught of their enemies. Only the UE boycotted the 1949 convention; the others in their camp attended. Harry Bridges, who thought the UE’s withdrawal ill-advised and vowed the ILWU would

The CIO's executive board was forced to resort to the trials and expulsions, as David Oshinsky (1974, p. 125) observes, "because the anti-Communist factions within the various left-wing affiliates were unable to dislodge the Communists from power. In only three . . . of the pro-Communist unions were the right-wingers successful in gaining control—an indication, perhaps, that despite their pro-Soviet, anti-Truman position, the Communists were still respected for their ability to run effective trade unions."³⁶

After their expulsion from the CIO, the Communist-led unions were continually subject to raids by other CIO unions and attacks by an array of government agencies and congressional committees. The latter held hearings on "Communist infiltration" throughout the country between 1950 and 1952, subpoenaing and interrogating "unfriendly" witnesses active in locals of the expelled unions. The coup de grace came in 1954 in the form of the Communist Control Act, which authorized the Subversive Activities Control Board to define a union as "Communist-infiltrated" and deprive it of the protection of the Wagner Act and representation before the NLRB (see Caute 1978, chaps. 18–21).

What, then, were the effects of the events of these periods—immediate prewar, World War II, immediate postwar (through 1947), and later postwar years (1948–55)—on the relative chances that unions in the rival camps would win prolabor provisions in their contracts? Did World War II transform the Red unions, as has been charged (Aronowitz 1973, p. 305), into "Red company unions"? How effective were the Communist-led unions in the immediate postwar period, after the CP renounced

stay in the CIO until expelled, "wryly pointed this out to reporters. 'This should torpedo all that crap about us forming a bloc and the organization of a third labor movement,' he said" (Levenstein 1981, pp. 281, 301–2).

³⁶ Actually, this was true of four unions: the National Maritime Union (NMU), Transport Workers Union (TWU), United Furniture Workers, and United Shoe Workers, and here it was mainly because men in the CP (like the TWU's Mike Quill) or close to it (like the NMU's Joe Curran) now broke with it and kept their hold on union power. We have not found evidence to support C. Wright Mills's widely repeated claim that the struggle against the Communists, in the unions they led, was "in most cases . . . not merely a struggle of cliques [but] . . . was also a rank-and-file uprising" (Mills 1948, p. 195). Even after the expulsion of 11 "Communist-dominated" unions from the CIO, none faced a serious internal uprising; and the UE, MM, and ILWU proved to be extraordinarily resilient in the face of combined CIO, government, and corporation assaults. When the UE was really beset by a major uprising, "the sting came from within." For it was led by Communists in its New York–New Jersey district; in 1955, on the eve of the CIO's merger with the AFL, they followed the CP's order to desert the UE and return to the mainstream, and took their district's 20,000 members into the rival IUE and Machinists Union (Aronowitz 1973, pp. 348–49).

“revisionism” and “class collaboration,” and then during the later post-war years, when they were under relentless siege?

We find that in all four periods on almost every provision examined, proportionately far more of the local contracts won by Communist-led unions were pro-labor than those won by the unions in the shifting and anti-Communist camps. In fact, most of the contracts in the Communist camp were pro-labor on almost every provision in every period. This was so even during World War II, when the CP advocated class collaboration, and even in the late postwar period, when the Communist-led unions were besieged by enemies on all sides.

World War II

But it is the findings on World War II that must surely leave many readers incredulous. For these are contrary to the nearly monolithic consensus among writers spanning the political spectrum. The simple historical fact revealed here is that—whatever the demands of the antifascist war effort and the rhetorical extremes of CP officials, the wartime contracts won by the Communist-led unions were far *less* likely than those of their rivals on the Right to cede management prerogatives, to sign away the right to strike, or to have cumbersome grievance procedures.

The vast majority, nearly two-thirds, of the wartime agreements won by the Communist-led unions did *not* cede management prerogatives; and only a fraction, roughly a quarter, entirely prohibited strikes for the duration of the contract. But, in contrast, the vast majority of the wartime contracts negotiated by the anti-Communist unions *did* cede management prerogatives and also entirely prohibited strikes (table 4).

What explains this persistence of a distinctive blend of pro-labor provisions in the contracts won by Communist-led unions, even at a time when the party was officially committed to class collaboration in the antifascist war effort? First, and most important, although the Communist unionists surely sought to avoid strikes and promote national unity in the war effort, they were scarcely alone in organized labor. Rather, this was also the policy of both the AFL and CIO. All the CIO unions were officially committed to sacrifice to win the war; they all officially tried to settle their disputes and grievances against management without interrupting production or hurting productivity; they all (with the possible exception of John L. Lewis's UMW, which seceded in 1942) officially adhered to the no-strike pledge throughout the war; and they all (again with the possible exception of the UMW) officially moderated their demands for the duration of the war. In short, in this limited sense, all of the CIO unions shifted to the Right during the war.

So, despite the fervent support of the CP itself for class collaboration

to defeat fascism, the actual practice of the Communist-led unions could still have distinctively expressed their anticapitalist worldview. Therefore, the relative place of the political camps with respect to each other, on the spectrum of pro-labor contractual provisions won by their unions, should not have changed much from the prewar period or in comparison with the postwar years—unless, of course, the Communist-led unions went so much farther in sacrificing their members' interests and granting concessions to management, as is often charged, that they passed even the right-wing unions on the Right. But our analysis of these unions' local agreements, as well as of the UE/GE national agreements, reveals no such drastic shift in practice—at least not on the provisions codifying the political terms of the immediate capital/labor relation.

The antifascist war and defense of Soviet "socialism" presented Communist unionists with an odious political dilemma, namely, how to promote national unity to push war production, while also protecting and advancing their union members' immediate interests. Despite the declamations of CP officials, we suggest that Communists and their radical allies at every level of the local and international union sought in practice to maintain national unity without yielding any hard-won union gains.

Not the party line, but the elemental democratic impulse and egalitarian passion (if not socialist vision) of Communist unionists guided them in their permanent struggle against the companies. "We conducted business as usual in the unions," Dorothy Healey, a leading California Communist and union activist at that time, told us. "We never stopped fighting on the shop floor, whatever the national leadership under [Earl] Browder was saying. I was in the Mine, Mill local at Boniface Aluminum in those days [during the war]—and we never gave anything away." In a later interview she emphasized that "it was the tasks imposed by the day-to-day defense of workers that mattered. We never stopped to ask if what we did violated the no-strike pledge or Browder's incentive plans" (Healey 1981–82).

Healey's memory and our findings are consistent with the serious case studies (by writers whose political views differ markedly) that have tried to get at the record of the activities of specific Communist-led unions and of Communist workers in these and other unions.³⁷ For instance, Robert

³⁷ They are consistent also with the report of an FBI informant highly placed in the party (perhaps Louis Budenz, *Daily Worker* editor from 1940 to 1945). Many Communist unionists complained to the party's national committee during the war, according to the FBI report, that the party was "'folding up,' abandoning its role as the vanguard of the working class, allying with the reactionary wing of the labor movement, cooperating with capitalism, and abandoning class struggle" (Levenstein 1981, p. 183, citing a May 16, 1944, FBI report). Starobin (1975, p. 258) reports various instances of open conflict between the CP and its members in union leadership.

TABLE 4

PROVISIONS IN CIO LOCAL UNION CONTRACTS IN CALIFORNIA, 1938-55, BY HISTORICAL PERIOD AND CIO POLITICAL CAMP (%)

| PERIOD AND POLITICAL CAMP | MANAGEMENT PREROGATIVE | | | STRIKE PROHIBITION ^a | | | CONTRACT TERM | | | GREVANCE PROCEDURE | | | 5-6 PRO-LABOR PROVISIONS ^b |
|---|---------------------------|-------------|---------|---------------------------------|---------|---------|------------------|-------|------|--------------------|------|-----|--|
| | None | Conditional | Total | ... | ... | ... | Steward | Steps | Time | ... | ... | ... | |
| <i>Prewar:</i> | | | | | | | | | | | | | |
| Communist | 100 (8) | 25 | 37 (8) | ... | ... | 100 (4) | 100 (8) | 0 | (8) | 50 | (4) | | |
| Shifting | 56 (9) | 11 | 56 (9) | ... | ... | 17 (6) | 100 (9) | 0 | (8) | 0 | (6) | | |
| Anti-Communist | 20 (15) | 0 | 33 (15) | ... | ... | 31 (13) | 60 (15) | 40 | (15) | 8 | (13) | | |
| Log odds ratio (uniform association) .. | 2.21** | | .72* | | | 1.16* | | | | 1.46* | | | |
| Standard error | .72 | | .38 | | | .63 | | | | .74 | | | |
| <i>World War II:</i> | | | | | | | | | | | | | |
| Communist | 65 (40) | 25 | 47 | 27 (40) | 92 (38) | 67 (33) | 82 (40) | 71 | (38) | 53 | (32) | | |
| Shifting | 45 (11) | 36 | 9 | 54 (11) | 64 (11) | 20 (10) | 64 (11) | 54 | (11) | 10 | (10) | | |
| Anti-Communist | 33 (15) | 20 | 7 | 73 (15) | 40 (15) | 29 (14) | 47 (15) | 27 | (15) | 0 | (14) | | |
| Log odds ratio (uniform association) .. | .67* | | .41* | | | 1.42** | | | | .93** | | | |
| Standard error | .31 | | .20 | | | .39 | | | | .93** | | | |
| <i>Immediate postwar (1945-47):</i> | | | | | | | | | | | | | |
| Communist | 42 (24) | 17 | 42 | 42 (24) | 79 (24) | 87 (15) | 87 (24) | 75 | (20) | 33 | (12) | | |
| Shifting | 32 (28) | 7 | 21 | 71 (28) | 83 (24) | 35 (20) | 57 (28) | 50 | (28) | 0 | (16) | | |
| Anti-Communist | 20 (20) | 25 | 10 | 65 (20) | 63 (19) | 35 (17) | 65 (20) | 55 | (20) | 0 | (16) | | |
| Log odds ratio (uniform association) .. | .51+ | | .16 | | | .41 | | | | .57* | | | |
| Standard error | .34 | | .21 | | | .36 | | | | .41 | | | |
| <i>Later postwar (1948-55):</i> | | | | | | | | | | | | | |
| Communist | 53 (19) | 37 | 21 | 42 (19) | 74 (19) | 89 (18) | 74 (19) | 100 | (3) | 67 | (3) | | |
| Shifting | 43 (30) | 3 | 23 | 73 (30) | 70 (30) | 38 (26) | 60 (30) | 43 | (7) | 0 | (5) | | |
| Anti-Communist | 18 (17) | 6 | 18 | 76 (17) | 56 (16) | 40 (15) | 94 (17) | 100 | (4) | 0 | (3) | | |
| Log odds ratio (uniform association) .. | .76* | | .73** | | | .39 | | | | -.50 | | | |
| Standard error | .37 | | .28 | | | .37 | | | | .41 | | | |

NOTE.—Ellipses indicate missing data. Numbers in parentheses are *N*'s.^a Dichotomized for log odds ratio; no prohibition and conditional prohibition vs. total prohibition.^b See note to table 2.+ $P < .10$.* $P < .05$.** $P < .01$.

Ozanne, a staunch anti-Communist, found that, in the big Communist-led UAW Local 248 at the Allis-Chalmers plant in Wisconsin during World War II, "grievances were not soft-pedalled. On the contrary, they were magnified . . . in *a bold offensive to enlarge the area of union control.*" Engaged in "a bitter struggle with Allis-Chalmers management," Ozanne remarks, the union's Communist leadership "was *unwilling to be sidetracked* merely to comply with Communist [party wartime] policies" (1954, p. 316; italics added; see also Harris 1982, pp. 67–70). Several such case studies reveal, as CIO historian Robert Zieger sums up their findings, that Communist unionists were intent on putting "workers' interests ahead of Party shifts, *even during World War II*" (1980, p. 133; italics added). At the minimum, in Bert Cochran's earlier summary interpretation of some of these same studies, "Communist labor officials, enmeshed in the politics and alliances attendant on their wartime position, [nonetheless] . . . conducted themselves like the next set of CIO officials in contract negotiations" (1977, p. 255).

This conclusion will surprise only those who caricature "Communist labor officials" and simplify the relationship that existed between them and the CP itself (Starobin 1975, p. 269, n. 17). No doubt, as Theodore Draper observes (1985b, p. 46), the CP's officialdom spent most of its energies bearing down on its members at all levels "to carry out whatever policies or campaigns happened to be uppermost at the moment," especially during World War II. But they were not always successful in getting their way, especially with their comrades who held positions of power and had their own political base in major industrial unions; so, "tensions between the communist leaders of several unions and the party" were chronic (Bell 1952, p. 201).

"Trade union Communists," as Brody (1980, p. 227) notes, "had not normally submitted themselves to regular party discipline." Neither, of course, had their radical allies done so. An aversion to bowing to any party's line or submitting to any party's discipline was, in reality, often precisely why many of the most important, enduring allies of the Communists, at all levels of union leadership—including prominent left-wing labor leaders like the ILWU's "Red 'Arry" Bridges, the UE's Clifford McAvoy, and the UAW Local 600's Shelton Tappes—never joined the party itself (Starobin 1975, pp. 12, 258, nn. 50, 51; Tappes 1983)—or, as often happened, left as quickly as they joined but continued, more or less, to align themselves with it in practice.

Communist Party officials were also hampered in imposing a line on Communist unionists because, years before the outbreak of World War II, the party had dissolved its "fractions" (or caucuses) in the CIO unions. This was a Popular Front gesture meant to show that the CP was not interfering "with the normal functioning of the trade unions,

including those with Left and progressive forces in the leadership" (*The Communist*, July 1943, quoted in Glazer [1961, p. 126]). But this gesture probably had the paradoxical effect of making the party's officials themselves dependent on Communist union leaders (and their allies) because they no longer could control or undercut them by appealing to rank-and-file Communists in their unions, who no longer had an organization of their own.³⁸

So, as Nathan Glazer points out (1961, p. 125), "During the war Communist union leaders were treated with kid gloves by the party. . . . Established in the semipermanent tenure of trade-union leadership, they could draw on an independent base of power" and "run their own show." They ran their own show, our evidence reveals, even when faced with the exigencies of the antifascist war and the defense of the Soviet Union, in a way that (however imperfectly) remained consistent with their radical, anticapitalist sensibilities, resulting in their winning contracts that were typically far more pro-labor than those won by their rivals on the Right.

LOGIT ANALYSIS

We have seen that for the entire CIO era and within each of its distinctive periods, the political consciousness of union leaders surely mattered in shaping the provisions of their contracts and thus the political regimes of production in which their unions were involved. Now, in order to measure the independent effects of each of the major variables considered so far, we present the results of a logit analysis. Our logit model measures the effects on the production regime of political leadership, Big Three affiliation, and historical period, as well as of the aging of the union-management relation; it separately compares each of the crucial provisions of the local contracts won by the Communist-led unions and by the unions in the shifting camp with those won by the anti-Communist unions. Similarly, it compares the contracts of locals of the Big Three with those of other locals and, separately, those of the prewar period, immediate postwar period, and late postwar period with those won during World War II.

We find that the odds of the Communist-led unions' winning a pro-labor provision ranged—depending on the provision—from a high of 11 to 1 to a low of at least 2 to 1 (table 5). Also, the odds favored the unions

³⁸ "Until the caucuses were abolished, all the Communists in any given group or in any campaign would map out strategy and tactics together, and a common discipline would be binding on everyone no matter what their echelon or particular task" (Starobin 1975, p. 39).

TABLE 5

LOGIT ESTIMATES OF THE DIRECT EFFECTS OF CIO POLITICAL CAMP, BIG THREE UNIONS, HISTORICAL PERIOD, AND "AGING" OF UNION
IN DETERMINING PRO-LABOR TENDENCIES OF THE POLITICAL REGIME OF PRODUCTION

| MANAGEMENT PREROGATIVE | STRIKE PROHIBITION ^a | | | CONTRACT TERM | | | "TRADE-OFF" ^b | | | GRIEVANCE PROCEDURE | | | | | | |
|-------------------------------------|------------------------------------|--------------------|----------------------|--------------------|----------------------|--------------------|--------------------------|--------------------|----------------------|---------------------|-----------------------|------|--------------------|------|-------------|------|
| | Logit Coefficient | Odds Multiplier | Logit Coefficient | Odds Multiplier | Logit Coefficient | Odds Multiplier | Logit Coefficient | Odds Multiplier | Logit Coefficient | Odds Multiplier | Steward | | Steps | | Time Limits | |
| | | | | | | | | | | | Logit | Odds | Logit | Odds | Logit | Odds |
| Communist camp ^c | 1.43** | 4.18 | 1.96** | 7.10 | 1.52** | 4.57 | 2.41** | 11.13 | 2.43** | 11.36 | 1.11** | 3.03 | .71 ⁺ | 2.03 | | |
| "Shifting" camp ^d | .88* | 2.41 | 1.82 | .91* | 2.48 | 1.02* | 2.77 | −.10 | .90 | −.08 | .92 | −.44 | .64 | | | |
| Big Three | −1.46** | 23 | 1.25** | 3.49 | 47 | 1.60 | .57 | 1.77 | .65 ⁺ | 1.91 | 14 | 1.15 | .14 | 1.15 | | |
| Prewar ^e | 55 | 1.73 | 21 | 1.23 | .. | .. | .. | .. | .53 | 1.70 | .89 | 2.43 | −1.25 ⁺ | .29 | | |
| Immediate postwar | | | | | | | | | | | | | | | | |
| (1945–47) ^d | −1.06** | 35 | −47 | .62 | .69 | 1.99 | .57 | 1.77 | 87 ⁺ | 2.39 | .26 | 1.30 | .19 | 1.21 | | |
| Later postwar | | | | | | | | | | | | | | | | |
| (1948–55) ^d | −.78 | 46 | −.70 | 50 | .98 | 2.66 | −.11 | .90 | 1.11* | 3.03 | .51 | 1.66 | .63 | 1.88 | | |
| "Aging" con- tracts ^f | .02 | 1.02 | .03 | 1.03 | −.20 | .82 | .03 | 1.03 | .00 | 1.00 | −.01 | .99 | .07 | 1.07 | | |
| Intercept..... | −1.23 | | −2.71 | | 8.80 | | −1.58 | | −1.80 | | .72 | | −3.21 | | | |
| Likelihood ratio | | | | | | | | | | | | | | | | |
| chi-square (df) | 54.11(7)** | | 45.66(7)** | | 19.05(6)** | | 25.47(6)** | | 47.84(7)** | | 13.56(7) ⁺ | | 27.08(7)** | | | |
| N | 236 | | 236 | | 196 | | 204 | | 191 | | 236 | | 177 | | | |

NOTE.—Ellipses indicate data are missing.

^a Strike prohibition is dichotomized; no prohibition and conditional prohibition vs. total prohibition.

^b "Trade-off" is pro-labor if the provision on strikes is not a total prohibition or if the term of the contract is one year or less.

^c The Communist camp and "shifting" camp are each separately compared with the anti-Communist camp.

^d Each period is compared with the World War II period.

^e Aging is measured by the year the contract was signed.

⁺ $P < .10$

* $P < .05$

** $P < .01$.

in the shifting camp over those in the anti-Communist camp—except that, on the three provisions of the grievance procedure, the odds were about even for the shifting and the anti-Communist unions. Finally, the estimate of the effect of the aging of union-management relations in the logit model shows no “hardening of the arteries”; rather, its effect on each of the provisions was almost precisely nil.³⁹

CONCLUSION

What inherently vitiates both the pluralist and the Marxist variants of the functionalist theory of the labor union under contemporary capitalism is that they are ahistorical. They either ignore history or, worse, simply postulate an unreal one—one from which real men and women, possessing consciousness and the capacity to act, and to make and remake history, although not just as they please, disappear or are made into mere bearers of systemic imperatives. So, as penetrating as are some of the specific observations and ideas of individual authors in these schools, their analyses unavoidably beg the decisive question, How was the prevailing capital/labor relation and the production regime regulating and enforcing it actually constructed?

For instance, Richard Lester (1958, pp. 32, 104, 120) mentions obliquely that the “Communist-dominated unions have dwindled or disintegrated” but ignores this in his theory of the “underlying forces and impersonal compulsions” that “submerged ideology” and eliminated unions that “stressed hostility toward the . . . capitalistic system.” Similarly, in concluding his analysis of the “generic features” of the prevailing political regime of production, now embodying labor’s “consent” to its own exploitation, Burawoy writes: “After World War II there was much uncertainty as to what would be negotiable in a collective contract, but this *uncertainty* has since been *resolved* in ways that establish management’s prerogative to direct the labor process. *Whatever the reasons for this outcome*, the consequences are relatively clear . . . [namely,] an expanding arena of consent . . . through the constitution and presentation of the interests of the corporation as the interests of all” (1979, p. 120; italics added).

So, in this sort of grand theoretical design, the men who raided and tried to destroy the CIO’s Communist-led unions, aided and abetted by government agencies, as well as by major corporations, and who purged

³⁹ To assess whether the variable, historical period, was somehow “soaking up” and obscuring the real effect of aging, we also ran a logit model excluding it and found that the estimated effect of aging was still nil.

the Communists and their radical allies from the CIO were merely the bearers of "underlying forces" needed to "resolve uncertainty."

But to ignore "the reasons for this outcome," as functionalists must, is, again, to fail to come to grips with the real issue of sociohistorical causality, that is, What accounts for social reality's "characteristic uniqueness"? Why is the political regime of production "historically so," in Max Weber's words (1949, p. 72; italics in original), "and not otherwise?"

Thus, the general theoretical question should be posed as follows: What are the independent effects of class struggle in determining whether the prevailing production regime in a country embodies labor's "consent" to capital's dominion? The answer, as our own analysis and findings imply, can be found only through a substantive analysis of the concrete historical circumstances in which the conflict between capital and labor takes place and of the determinants and effects of that conflict. But how this momentous class conflict is fought, and with what consequences, is at least partly contingent on intraclass struggle, on who wins and holds the workers' political leadership. In the United States, it was the defeat of Communists and their allies in the CIO in the period of the emergent Cold War that eliminated "a major barrier," as historian James Prickett correctly argues (1975, p. 419), "to the sort of contracts which became common in the postwar period." This defeat, not capitalism's systemic cunning, accounts for the unions' capitulation to management and for the unchallenged hegemony of capital in the regnant political regime of production in the United States today.

Why the Communists were defeated is another question, and another story. But it surely was *not* because they were not good union men and women. Most of the collective bargaining agreements won by the Communist-led unions effectively denied management the right to exercise unilateral authority over production and held employers maximally accountable to the workers under their dominion. In this sense, the interests of capital and labor were not "coordinated," nor was labor's "consent" embodied in these production regimes. In a word, they were not "hegemonic regimes" (pace Burawoy 1983, p. 590), but "insurgent" or "counter-hegemonic" regimes. For, in "the constant war of capital upon the working and living standards of labor" (*FE News*, May 22, 1946, quoted in Gilpin [1988]), they embodied an altered balance of class power in the workers' favor.

What difference it might have made to organized labor's objectives, strategy, and practices in this "constant war" during the coming decades and what the real historical potential had been for subverting capital within the sphere of production itself are the tantalizing but unanswered

able questions posed by the defeat of the Communists and their radical allies in those mid-century internecine struggles.

The evidence that we have about what did happen, however, is suggestive of what could have happened. In the aftermath of the Left's expulsion, the CIO merged again with the AFL; and in the years to come the AFL-CIO's international unions, with a few notable exceptions, virtually abandoned any efforts to organize the unorganized. The unionized share of the labor force stagnated and even shrank over the next decades. Worse, faced with heightened employer resistance to unionization and even an offensive against existing unions in recent years, most unions, Michael Goldfield (1987) shows, "have neither devoted the resources nor put sufficient effort into new union organizing to counter the employer offensive" (pp. 216–17). But a union's political orientation has had a measurable effect on its organizing success rate. Thus, where "the former Communist influence lingers on," Goldfield finds that this has been "one factor keeping success in new organizing particularly high." For instance, although the UE and ILWU are no longer what they once were either politically or in size and significance, the UE has had a far-higher rate of success in organizing new members (and winning NLRB union recognition elections) in recent years (1972–84) than the IUE (60.4% vs. 41.3%), and the ILWU has also done better than its East Coast conservative rival, the International Longshoremen's Association (59.7% vs. 51.9%).⁴⁰ The comparative organizing success of these radical remnants are thus also intimations of what might have been—of the suppressed historical possibility for a vital, Left-led, organized working class in the United States—if the CIO had not split asunder at the dawn of the Cold War.

Whether the Communist-led unions' reconstruction of the immediate capital/labor relation, through the class struggle within production, had constituted merely marginal changes or actually touched its essential nature, whether this served not only the workers' immediate but historical interests, prefiguring the "reconstruction of society" and the "final emancipation of the working-class"—whether, in short, this specific historical form of the "coincidence of the changing of circumstances and of human activity can be conceived . . . as *revolutionizing practice*" (Marx 1973, 2:75–76; 1:14; italics in original) is a question we cannot answer.

⁴⁰ These results are further borne out by a cross-sectional regression model controlling for a number of relevant variables. When the union is the UE, it increases the likelihood of success by as much as 12.9%, and when it is the ILWU, by as much as 9.4% (Goldfield 1987, p. 216). During these same years (1972–84), where the UE and the IUE have competed head-on for the workers' allegiance, i.e., in jurisdictions where they both already had sizable bases, the UE "almost always" has won (97.1%) (Goldfield 1987, p. 298).

But the *counter-hegemonic production regimes* constructed by the Communist-led unions surely undermined the sway of capital over the quotidian lives of the working men and women they represented. That this must have been so was indirectly vouched for, remarkably, by the Social Democrats of Sweden, a quarter of a century later. In 1976, they pushed through legislation aimed at “transferring power from capital to labour”; the new law on “democracy in the workplace” made it illegal for union-management contracts to cede managerial prerogatives or prohibit workers from using “industrial action” (strikes, etc.) for the duration of the contract (Stephens 1979, pp. 50, 52, 184–85). So, for that ephemeral moment in America’s recent past when Communists constituted “the most important minor party in the union world” (Mills 1948, p. 23), the workers under their leadership measured social actuality against historical possibility and found it wanting—and thus carried out a “practical-critical” rejection (Marx 1973, 1:13) of the inner logic of capitalism.

APPENDIX

The Sample

Our sample is drawn from a batch of nearly 2,000 collective bargaining agreements collected for a survey by the Industrial Relations Center (IRC) of the California Institute of Technology. The survey began soon after the Wagner Act was upheld in 1937 and continued until the mid-1970s, with the aim of providing employers with systematic information on the types of provisions being included in collective bargaining agreements. The IRC sent requests for contracts to local AFL, CIO, and other unions and companies throughout the United States. The clauses of each agreement were coded independently by two IRC staff members; the data were recorded on McBee Keysort cards. We located three persons who had been involved in the contract survey: Victor V. Veysey, director emeritus of the IRC; Joseph W. Lewis, research assistant on the survey; and Verna P. Steinmetz, secretary and coder; but none could provide a copy of the mailing list or further details about the method of collection.

We constructed our sample from this original batch as follows. First, we separated out the batch of 660 CIO agreements. Second, we excluded 32 agreements that had been negotiated between a major employer and an international union. Third, from this collection of local agreements, we also excluded all but one (which was randomly selected) of any set of successive agreements between the same parties. We did this because it was likely that such agreements had the same or similar provisions, thus possibly biasing the sample. These steps resulted in a refined national

TABLE A1

DISTRIBUTION OF CIO LOCAL UNIONS IN THE CALIFORNIA SAMPLE AND
IN THE CALIFORNIA CIO INDUSTRIAL COUNCIL (%)

| POLITICAL CAMP | 1945 CIO CALIFORNIA CONVENTION | | | SAMPLE LOCALS |
|---------------------|--------------------------------|-----------|-------|---------------|
| | Locals | Delegates | Votes | |
| Communist | 54 | 59 | 48 | 59 |
| Shifting | 21 | 15 | 23 | 19 |
| Anti-Communist..... | 25 | 26 | 30 | 22 |

sample of 431 local contracts. This national sample is a fund of primary historical data, whether or not it is representative of the contract universe.

Finally (for the reasons given in the text), we extracted the 236 California agreements. To assess the representativeness of this sample, we compared its division into political camps as of 1946–47 with that of a known population, namely, the member unions of California's CIO Industrial Union Council in 1945 (CIO 1945). Nearly all of California's CIO locals in the 1940s belonged to the state's Industrial Union Council. We found that the 1945 California CIO Industrial Union Council convention and this California sample were quite similar in their distributions into political camps (table A1). So it (and thus by inference the refined national sample) is probably fairly representative.

We have deposited the complete IRC batch in the University Research Library, Department of Special Collections, at the University of California, Los Angeles.

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